



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

April 8, 2019

Via Emailed PDF

Martin P. Sullivan
Sullivan & Barros, LLP
1155 15th Street, NW
Suite 1003
Washington, DC 20005

Re: 820 Constitution Avenue, NE (Square 917, Lot 106).

Dear Mr. Sullivan:

You have asked for a determination regarding the proposed construction (the "Project") of a two-story accessory building ("the Proposed Accessory Building") on the property located at 820 Constitution Avenue, NE (the "Property"). This review included a review of the preliminary conceptual plans attached hereto as Exhibit A (the "Conceptual Plans"). The Property, which does not have access through an alley, is located in the RF-1 Zone and is currently improved with an attached single-family row dwelling (the "Principal Dwelling").

You are proposing to construct a two-story accessory building at the rear of the Property and will not be increasing the number of dwelling units. The Proposed Accessory Building will include space which is incidental and accessory to the Principal Dwelling. As the proposed accessory building contains elements of a separate dwelling unit, such as the proposed full bath, it will be subject to a covenant that will be recorded on the property that the accessory building will not be used as a separate dwelling unit.

Pursuant to 11-E DCMR § 5000.1, accessory buildings are permitted within the RF zone subject to certain conditions. We have reviewed the Conceptual Plans and according to those plans and your further representations, the Project meets those required conditions as it:

- (i) will be located on the same lot as the building to which it is accessory;
- (ii) shall be used for purposes which are incidental to the use of the principal building;
- (iii) has not been constructed prior to the existing Principal Dwelling, and
- (iv) will not be constructed in front of the Principal Dwelling.

In summary, at the meeting with my staff, the PDRM review team found the following:

Height

Pursuant to 11-E DCMR § 5002.1, the maximum permitted building height in the RF-1 zones for accessory buildings is twenty feet (20 ft.). As shown in the Conceptual Plans, the height of the Proposed Accessory Building is twenty feet (20 ft.), as measured from the grade at the center of the front of the Accessory Building where it faces the Principal Dwelling to the highest point of the roof. Therefore, the Project will comply with the accessory building height requirement.

Lot Occupancy

Pursuant to 11-E DCMR § 304.1, the maximum lot occupancy for a property located in a RF-1 zone is 60%. You have represented that the overall lot occupancy for the Property, including the Proposed Accessory Building, will be within the sixty percent (60%) limit..

Rear Yard

Pursuant to 11-E DCMR § 306.1, a rear yard setback of 20 feet is required for the Property. That required rear yard is measured from the rear line of the Principal Dwelling out toward the rear of the Property. As long as there is at least twenty feet between that rear line of the Principal Dwelling and the interior-facing building line of the Proposed Accessory Building, then the Rear Yard requirement has been met and the Proposed Accessory Building is not deemed to be located in the “required rear yard” area. According to the Conceptual Plans, upon construction of the Proposed Accessory Building, the dimension between the Principal Dwelling and the Proposed Accessory Building is 34 feet and 8 inches. Therefore, the Property will meet the rear yard setback requirement of E-306.1.

Accessory Building Not in the Required Rear Yard

Pursuant to E-5004.2, if an accessory building is located within a required rear yard, it is subject to additional limitations, including a height limit of 10 feet and a gross floor area limit of 100 square feet. As noted in the analysis in the above paragraph, the Proposed Accessory Building is *not* located in the required rear yard and will therefore not be subject to the additional restrictions in E-5004.2.

No Rear Setback for the Principal Dwelling Itself


Accessory buildings which abut a public alley must be set back at least twelve feet from the centerline of such alley. Because the Property is land-locked and is not adjacent to a public alley, the Proposed Accessory Building may be located as shown on the Conceptual Plans; abutting the rear Property line.

Side Yard

Pursuant to 11-E DCMR § 5005.1, no side yards are required for accessory buildings.

Please feel free to contact me if you have any questions.

Sincerely,



Matthew Le Grant
Zoning Administrator

Zoning Technician: Shawn Gibbs

Attachments: First Floor with Rear Yard and Second Floor Plans dated 3-1-19

Disclaimer: This letter is issued in reliance upon, and therefore limited to, the questions asked, and documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.